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RE

Barnhardt v. Meridian

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February 27, 2012

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Ms. Allison R. Brown
Trial Attorney
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Washington, D.C. 20004

RE: *John Barnhardt, et al. and United States of America v. Meridian Municipal
Separate School District, et al.*
Civil Action No. 4:65cv01300 (formerly Civil Action No. 1300(E))

Dear Ms. Brown:

John Compton and I have considered your request to sign the certificate of good faith that we have attempted to resolve the Rule 34 discovery dispute. We in good faith cannot sign the certificate. When John and I met with you and Ryan Wilson on February 8, 2012 in my offices, we agreed upon a compromise resolution of the discovery dispute regarding the Government's requested Rule 34 tour of the District schools. We regard your decision to file a motion to compel against the District as a breach of our compromise agreement. You may inform the Court that we have declined to sign the certificate for this reason.

We agreed on February 8 that the Government's expert and attorneys may tour all schools over a three-day period in the sequence the Government wishes, but that the Government and its expert could not "interview" employees about substantive topics, including student discipline or employment matters. In addition, we said today in our telephone conference that the District will provide a guide at each school who is familiar with school. Your expert may enter classrooms to observe classes. On the tour, the District will identify each teacher by name and provide the subject and grade of the class being observed. All areas of each school will be available for inspection.

We object to the Government expert "interviewing" District personnel whom we have agreed to make available for deposition. Contrary to your assertion, the District has never taken the position that the short depositions at the conclusion of the tour process limits the Government's ability to take a longer deposition. As we said during our conference today, the Government is free to determine whether to use its full time under Rule 30(d)(1) with each

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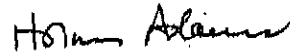
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deponent. Today you also said that you might want to talk with security officers. The District agreed on February 8 to make its head of security available for deposition. The District will also make all of its security officers and SROs available for deposition.

If you still wish to take the deposition of the Superintendent before touring the schools, he will be available as the District previously agreed, although I understand from our conversation today that you may no longer wish to depose him at that time.

You said today that you anticipated re-scheduling the tour for the week of March 26, 2012. We are not aware of any problems with that week, but John Compton is checking about school testing. John has a trial set for the early part of the week, but I will be available for the tour if he is not.

Sincerely,



Holmes S. Adams

cc: Fred L. Banks, Jr.
John G. Compton
Dr. Alvin Taylor